



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION

1919 M STREET, N.W.

WASHINGTON, D.C. 20554

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August 3, 1998

FY 1998 Commercial Wireless Regulatory Fees

The Federal Communications Commission issues this Public Notice in order to provide information concerning the payment of regulatory fees in FY 1998. If you hold authorizations in any of the commercial wireless services you should carefully review this Public Notice.

WHO MUST PAY REGULATORY FEES IN FY 1998

Most licensees and other entities regulated by the Commission must pay regulatory fees in FY 1998. This Public Notice concerns only the following commercial mobile radio services (CMRS) regulatees: specialized mobile radio services (Part 90); public coast stations (Part 80); public mobile radio, cellular, 800 MHz air-ground radiotelephone, and offshore radio services (Part 22); and PCS broadband services. The CMRS messaging services category includes all one-way paging (Parts 22 and 90), two-way paging, qualifying interconnected business radio services, 220-222 MHz land mobile systems (Part 90), and PCS narrowband services. Governments and nonprofit entities (exempt under Section 501 of the Internal Revenue Code) are not required to pay regulatory fees and should not submit payment. *The Commission requires that each exempt entity submit, or have on file with the Commission, a current IRS Determination Letter documenting its nonprofit status, a certification of governmental authority, or certification from a governmental authority attesting to its exempt status.* All other private wireless regulatory fees are paid in advance for the full license term and submitted along with the appropriate application fee. Responsibility for payment of that fee rests with the current holder of the permit or license at the time payment is due. A regulatee will be relieved of its fee payment requirement if its total fee due, including all categories of fees for which payment is due by the entity, amounts to less than \$10.

WHY THE COMMISSION MUST COLLECT REGULATORY FEES

The requirement to collect annual regulatory fees is contained in Public Law 103-66, "The Omnibus Budget Reconciliation Act of 1993." These regulatory fees, which are likely to change each fiscal year, are used to offset costs associated with the Commission's enforcement, public service, international and policy and rulemaking activities. These fees are in addition to any application processing fees associated with obtaining a license or other authorization from the Commission.

WHEN FEES WILL BE DUE

Fee payments must be received by the Commission during the period beginning September 14, 1998, and ending September 18, 1998, in order to avoid a 25% late payment penalty.

TYPE OF FEE	REGULATORY FEE PAYMENT	FEE CODE
CMRS Cellular Radio Licensees (Part 22)	\$0.29 per telephone number/unit	CDC8
CMRS Mobile Services (Parts 22, 80 and 90)	\$0.29 per unit	CPM8
CMRS Messaging Services (Parts 22 and 90)	\$0.04 per unit	CDW8

Licensees whose fee payments are based upon a telephone number or unit count should use the number of telephone numbers or units as of December 31, 1997. CMRS mobile radio licensees with more than 99 locations that have been given multiple call signs for the same license should list only one call sign on FCC FORM 159 and provide a separate listing of all other related call signs. See "Special Instructions for Completing FCC FORMs 159 and 159-C" for correct Payment Type Codes.

FCC FORM 159

Regulatory fee payments must be accompanied by FCC FORM 159 ("FCC Remittance Advice"). This form has been revised and you must use the version dated July 1997. A copy of this form, with specific instructions, is attached to this Public Notice and may be used to submit fees. Reproduced forms are acceptable. Please see "Special Instructions for Completing FCC FORMs 159 and 159-C" for detailed information on how to correctly complete these forms. Unless you are submitting your information on diskette, you must list each entity separately on Forms 159/159-C. Written attachments are not acceptable. Failure to properly complete FCC Form 159/159-C will delay the processing of your regulatory fee payment.

Over the past years, payers have been allowed the option to pay for more than 50 entities by submitting the Form 159 information on diskette. That option is still available. Information on how to file electronically on diskette will be made available on a subsequent public notice.

WHERE TO SEND REGULATORY FEE PAYMENTS

If sending your regulatory fee payment by mail, please address your envelope as follows:

**Federal Communications Commission
Regulatory Fees
P.O. Box 358835
Pittsburgh, PA 15251-5835**

If you prefer to send your regulatory fee payment by courier to our lockbox bank, you may do so 24 hours per business day (except Federal or bank holidays). Please address your envelope and deliver it to the following address:

**Federal Communications Commission
c/o Mellon Bank
Three Mellon Bank Center
525 William Penn Way
27th Floor, Room 153-2713
Pittsburgh, PA 15259-0001
(Attention: FCC Module Supervisor)**

METHOD OF PAYMENT

Regulatory fee payments may be made by check, money order, or by credit card (Visa or Mastercard only). When paying by credit card, please make sure you complete and sign block 28 of FCC FORM 159. Payments may also be made by wire transfer or ACH Debit. Instructions are provided below.

NOTE: We encourage arrangements to consolidate regulatory fee payments either by a single entity or by different entities into a single payment instrument. Consolidated fee payments may cover any number of service categories. Multiple fee payments may be made utilizing any of the methods of payment mentioned above. Payers who will be making a single payment for a significant number of entities and wish to submit their payment information on diskette in lieu of submitting a large number of FCC FORMs 159-C ("Advice Continuation Sheets") may do so. Specific instructions regarding diskette submission will be issued separately. No more than twenty-five (25) Form 159-C's should be manually submitted for payment. If more than twenty-five (25) Form 159-C's are to be submitted, we encourage the public to file the information on diskette.

WIRE TRANSFER PAYMENT INSTRUCTIONS

A wire transfer is a transaction that you initiate via your bank. It authorizes your bank to wire funds from your account to our lockbox bank, the Mellon Bank in Pittsburgh, PA. All payments made by wire transfer must be supported by a completed FCC Remittance Advice (FCC FORM 159) and Advice Continuation Sheet (FCC FORM 159-C), if required. The FCC FORM 159 must be faxed to Mellon Bank at (412) 236-5702 at least one hour before the wire transfer on the same business day. Indicate on the top of the FCC FORM 159 "Wire Transfer - Regulatory Fee Payment." In Box (1) - Lockbox#, located at the upper left hand corner, indicate "358835." **Failure to submit the completed FCC FORM 159 will result in a delay in crediting your account. Due to Federal Reserve regulations, wire transfers received after 6:00 p.m. (EDT) will be credited the next business day.**

The following information should be provided to your bank to complete the wire transfer:

ABA Routing Number 043000261
Receiving Bank: Mellon Pittsburgh
BNF: FCC/ACV--9116106
OBI Field: (Skip one space between each information item)
"REGULATORYPAY"
PAYER TIN (Exactly as on FCC FORM 159, Block #25)
PAYER NAME (Exactly as on FCC FORM 159, Block #2)
Phone: (Daytime Phone #, exactly as on FCC FORM 159, Block #9)
LOCKBOX 358835

ACH DEBIT PAYMENT INSTRUCTIONS

If you are interested in using Mellon's Customer Initiated Payment Program (CIP), a brief application form must be completed and a personal identification number (PIN) issued by the bank. Arrangements for using this process must be completed 14 days prior to submitting payment of the regulatory fee. After you have been set up for this program, you have until September 17, 1998 to submit payment to ensure processing by the deadline of September 18, 1998. Please contact Regina Dorsey, Chief, Billings & Collections Branch, Financial Operations Division at (202) 418-1995 for further details.

COMPLIANCE

Please make sure your total remittance and the amount indicated on the FCC FORM 159 are in agreement. Failure to do so will delay processing. Licensees are solely responsible for accurately accounting for all licenses and for paying proper regulatory fees. Any data omission, erroneous or incomplete data submission, or payment deficiency may result in a 25% monetary penalty, dismissal of pending actions, and/or revocation of any authorization. You are strongly urged to submit your payments on time and accurately in order to avoid a penalty. Additionally, the Commission will invoke any lawful authority it may possess under the Debt Collection Act to collect any fees due or outstanding against any licensee failing to meet its regulatory fee payment obligations.

*****NOTICE*****

We remind you that pursuant to a Report & Order adopted October 17, 1997, Section 1.1157 "Payment of charges for regulatory fees" was amended by adding a new paragraph (d) to read as follows:

(d) Any Commercial Mobile Radio Service (CMRS) licensee subject to payment of an annual regulatory fee shall retain for a period of two (2) years from the date on which the regulatory fee is paid, those business records that were used to calculate the amount of the regulatory fee.

We have begun post payment audit work in one service area and plan to continue these audits in other service areas in the future. It is in the interest of all regulatory fee payers to follow the payment rules precisely and maintain the appropriate documentation.

WAIVERS, REDUCTIONS AND DEFERMENTS OF REGULATORY FEES

The Commission will consider requests for waivers, reductions or deferments of regulatory fees, in extraordinary and compelling circumstances only, upon a showing that such action overrides the public interest in reimbursing the Commission for its regulatory costs. Your regulatory fee must be paid by the due date even if a request is made for a waiver or reduction. This will ensure efficient collection in situations where a waiver or reduction is not warranted and will allow the requestor to avoid a 25% late-payment penalty if its request is denied. The regulatory fee will be refunded later if the request is granted. Only in exceptional or compelling instances (where payment of the regulatory fee along with the waiver or reduction request could result in the reduction of community service or financial hardship to the licensee), will the Commission accept a petition to defer payment along with a waiver or reduction request. All requests for deferments must be received before September 18, 1998, in order to avoid the 25% late-payment penalty. Please submit your written waiver or reduction request to the following address:

Office of the Managing Director
Federal Communications Commission
1919 M. Street, N.W., Room 450
Washington, D.C. 20554
attn: Regulatory Fee Waiver/Reduction Request

However, submit your regulatory fee payment to the address on page 2 of this Public Notice.

ADDITIONAL INFORMATION

Applicable Public Notices, and FCC FORMs 159 and 159-C are available from the Commission's Office of Public Affairs, Public Service Division and can be downloaded from the Internet (<http://www.fcc.gov> or <ftp://ftp.fcc.gov>). Text of the Report and Order including the entire Schedule of Regulatory Fees can be downloaded from the Internet. Forms may also be obtained by contacting the Forms Hotline at (800) 418-3676 outside the Washington, D.C. area, or (202) 418-3676 locally. For additional information, please contact the Public Service Division at (202) 418-0192, or write to: Federal Communications Commission, Office of Public Affairs, ATTN: Public Service Division, 1919 M Street, N.W., Washington, D.C., 20554.

FEE PAYMENT PROCEDURES FOR CMRS SERVICE PROVIDERS

WHO MUST PAY: CMRS cellular providers (common carriers providing cellular radio service to the public), CMRS mobile service licensees (common carriers authorized under Parts 22, 80 and 90 to offer land-based or air-to-ground mobile telephone or paging services to the public)¹, and CMRS one-way paging licensees (authorized under Parts 22 and 90). Governments and nonprofit entities (exempt under Section 501 of the Internal Revenue Code) are not required to pay regulatory fees and should not submit payment. *The Commission requires that each exempt entity submit, or have on file with the Commission, a current IRS Determination Letter documenting its nonprofit status, a certification of governmental authority, or certification from a governmental authority attesting to its exempt status.*

¹ In addition to cellular telephone service, these services include those using radio to provide telephone services at fixed locations, such as Basic Exchange Telecommunications Radio Services, Rural Radio, Public Coast, and Offshore Radio.

SPECIAL INSTRUCTIONS FOR COMPLETING
FCC FORMS 159 AND 159-C

FCC Form 159 ("FCC Remittance Advice") and, as necessary, FCC FORM 159-C ("Advice Continuation Sheet") must accompany all regulatory fee payments. FCC FORM 159 allows payers to report information on one or more payment items (e.g., cellular subscribers, public mobile subscribers, paging units, or a combination). Use FCC FORM 159-C to report additional payments.

FCC FORMs 159 and 159-C have been attached to this Public Notice for you to complete and remit with your payment. You may make additional copies of the forms as required. In addition to the instructions for FCC FORM 159, the following information applies specifically to commercial wireless regulatees:

Block (19) - "FCC CALL SIGN/OTHER ID":

- ▶ CMRS mobile and CMRS Messaging licensees should enter their call sign.

Block (20) - "PAYMENT TYPE CODES":

CDC8: Use this code when making a regulatory fee payment for a CMRS cellular radio license (\$0.29 per telephone number/unit).

CPM8: Use this code when making a regulatory fee payment for a CMRS mobile radio license (\$0.29 per unit).

CDW8: Use this code when making a regulatory fee payment for a CMRS messaging license (\$0.04 per unit).

Block (21) - "QUANTITY":

- ▶ CMRS cellular radio licensees should enter the number of telephone numbers/units.
- ▶ CMRS mobile radio licensees should enter the total number of units.
- ▶ CMRS messaging licensees should enter the total number of units.

Block (22) - "FEE DUE":

- ▶ For CMRS cellular radio licensees (payment type code CDC8), multiply the amount from Block 21 ("Quantity") by \$0.29. **Round down to the nearest whole dollar.**
- ▶ For CMRS mobile radio licensees (payment type code CPM8), multiply the amount from Block 21 ("Quantity") by \$0.29. **Round down to the nearest whole dollar.**
- ▶ For CMRS messaging licensees (payment code CDW8), multiply the amount from Block 21 ("Quantity") by \$0.04. **Round down to the nearest whole dollar.**

Block (23) - "FCC CODE 1":

- ▶ Leave this block blank.

Block (24) - "FCC CODE 2":

- ▶ Leave this block blank.

Block (25) - "PAYER TIN":

- ▶ Enter the fee payer's nine digit Taxpayer Identification Number.

Block (26) - "APPLICANT TIN":

- ▶ If different from payer, enter the applicant's nine digit Taxpayer Identification Number.

Block (27) - "CERTIFICATION":

- ▶ Provide the printed name and signature of an individual owner/licensee or officer attesting to the accuracy and completeness of the information supplied.

- FCC -